

# SENATE BILL 482

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CF HB 618

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By: **Senator Edwards**

Introduced and read first time: February 3, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Allegany County Deputy Sheriffs**

3 FOR the purpose of providing that an Allegany County deputy sheriff who suffers from  
4 heart disease or hypertension is presumed, under certain circumstances, to  
5 have an occupational disease that was suffered in the line of duty; providing for  
6 enhanced workers' compensation benefits for certain Allegany County deputy  
7 sheriffs for a compensable permanent partial disability of less than a certain  
8 number of weeks; providing for the application of this Act; and generally  
9 relating to workers' compensation benefits for Allegany County deputy sheriffs.

10 BY repealing and reenacting, with amendments,  
11 Article – Labor and Employment  
12 Section 9–503(b)(1) and 9–628  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Labor and Employment  
17 Section 9–629  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Labor and Employment**

23 9–503.

24 (b) (1) A paid police officer employed by an airport authority, a county,  
25 the Maryland–National Capital Park and Planning Commission, a municipality, or the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
2 subsection, a deputy sheriff of Baltimore City, Montgomery County correctional officer,  
3 Prince George's County deputy sheriff, [or] Prince George's County correctional  
4 officer, **OR A DEPUTY SHERIFF OF ALLEGANY COUNTY** is presumed to be suffering  
5 from an occupational disease that was suffered in the line of duty and is compensable  
6 under this title if:

7 (i) the police officer, deputy sheriff, or correctional officer is  
8 suffering from heart disease or hypertension; and

9 (ii) the heart disease or hypertension results in partial or total  
10 disability or death.

11 9-628.

12 (a) In this section, "public safety employee" means:

13 (1) a firefighter, fire fighting instructor, or paramedic employed by:

14 (i) a municipal corporation;

15 (ii) a county;

16 (iii) the State;

17 (iv) the State Airport Authority; or

18 (v) a fire control district;

19 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced  
20 life support worker who is a covered employee under § 9-234 of this title and who  
21 provides volunteer fire or rescue services to:

22 (i) a municipal corporation;

23 (ii) a county;

24 (iii) the State;

25 (iv) the State Airport Authority; or

26 (v) a fire control district;

27 (3) a police officer employed by:

28 (i) a municipal corporation;

- 1 (ii) a county;
- 2 (iii) the State;
- 3 (iv) the State Airport Authority; or
- 4 (v) the Maryland–National Capital Park and Planning  
5 Commission;

6 (4) a Prince George’s County deputy sheriff or correctional officer;

7 (5) a Montgomery County deputy sheriff or correctional officer; [or]

8 **(6) AN ALLEGANY COUNTY DEPUTY SHERIFF; OR**

9 **[(6)] (7)** a Howard County deputy sheriff, but only when the deputy  
10 sheriff is performing law enforcement duties expressly requested, defined, and  
11 authorized in accordance with a written memorandum of understanding executed  
12 between the Howard County Sheriff and other law enforcement agencies.

13 (b) Except as provided in subsections (g) and (h) of this section, if a covered  
14 employee is awarded compensation for less than 75 weeks in a claim arising from  
15 events occurring on or after January 1, 1988, the employer or its insurer shall pay the  
16 covered employee compensation that equals one–third of the average weekly wage of  
17 the covered employee but does not exceed \$80.

18 (c) Except as provided in subsections (g) and (h) of this section, if a covered  
19 employee is awarded compensation for less than 75 weeks in a claim arising from  
20 events occurring on or after January 1, 1989, the employer or its insurer shall pay the  
21 covered employee compensation that equals one–third of the average weekly wage of  
22 the covered employee but does not exceed \$82.50.

23 (d) Except as provided in subsections (g) and (h) of this section, if a covered  
24 employee is awarded compensation for less than 75 weeks in a claim arising from  
25 events occurring on or after January 1, 1993, the employer or its insurer shall pay the  
26 covered employee compensation that equals one–third of the average weekly wage of  
27 the covered employee but does not exceed \$94.20.

28 (e) Except as provided in subsections (g) and (h) of this section, if a covered  
29 employee is awarded compensation for less than 75 weeks in a claim arising from  
30 events occurring on or after January 1, 2000, the employer or its insurer shall pay the  
31 covered employee compensation that equals one–third of the average weekly wage of  
32 the covered employee but does not exceed \$114.

33 (f) Except as provided in subsections (g) and (h) of this section, if a covered  
34 employee is awarded compensation for less than 75 weeks, the employer or its insurer

1 shall pay to the covered employee compensation that equals one-third of the average  
2 weekly wage of the covered employee but does not exceed:

3 (1) for claims arising from events occurring on or after January 1,  
4 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

5 (2) for claims arising from events occurring on or after January 1,  
6 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

7 (3) for claims arising from events occurring on or after January 1,  
8 2011, 16.7% of the State average weekly wage.

9 (g) If a covered employee is awarded compensation for less than 75 weeks for  
10 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay  
11 the covered employee weekly compensation at the rate set for an award of  
12 compensation for a period greater than or equal to 75 weeks but less than 250 weeks  
13 under § 9-629 of this subtitle.

14 (h) If a public safety employee is awarded compensation for less than 75  
15 weeks, the employer or its insurer shall pay the public safety employee compensation  
16 at the rate set for an award of compensation for a period greater than or equal to 75  
17 weeks but less than 250 weeks under § 9-629 of this subtitle.

18 9-629.

19 If a covered employee is awarded compensation for a period equal to or greater  
20 than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the  
21 covered employee weekly compensation that equals two-thirds of the average weekly  
22 wage of the covered employee but does not exceed one-third of the State average  
23 weekly wage.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
25 construed to apply only prospectively and may not be applied or interpreted to have  
26 any effect on or application to any claims arising from events occurring before the  
27 effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2010.